

## **REMARKS**

Claims 1-40 are pending in this application. Claim 32 has been withdrawn from consideration. In an Office Action dated January 26, 2006 ("OA"), the Examiner rejected claims 1-31 and 33-40. In this response, Applicants amend claims 15, 19, 26-30, cancel claims 33 and 34, and add new claim 41. Applicants respectfully traverse the rejections and request reconsideration based on the following remarks.

In addition, Applicants do not automatically agree with or acquiesce in the Examiner's characterization of the claims or the prior art, even if those characterizations are not addressed herein.

### **Claim Rejections under 35 U.S.C. § 112**

The Examiner rejected claim 27 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. OA at page 2. With this response, Applicants amend claim 27 to be dependent upon claim 25 and hereby provides sufficient antecedent basis for the limitations "the first computer" and "the second computer." Applicants respectfully request the Examiner to withdraw the rejection.

### **Claim Rejections under 35 U.S.C. § 103**

To establish a prima facie case of obviousness MPEP § 2142 requires that (1) the prior art reference must teach or suggest all claimed elements, (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, and (3) there must be a reasonable expectation of success.

The Examiner rejected claims 1-31 and 33-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,691,208 (Dandrea) in view of U.S. Patent No. 6,725,456 (Bruno). In this response, Applicants cancel claims 33 and 34 and thus, the rejections concerning claims 33 and 34 are now moot. Applicants respectfully traverse the rejection of remaining claims 1-31 and 35-40.

Claims 1-21 and 35-40

Claim 1 recites “calling an application programming interface to initiate a request to the macro queue to obtain a message stored in one of the plurality of queues without identifying a particular queue.”

The Examiner asserts that Dandrea discloses calling an application programming interface (API). OA at 3. But the Examiner then later asserts that Dandrea does not disclose an API and that Bruno overcomes the deficiency of Dandrea by providing an API. *Id.* at 3. The Examiner states that “[i]t would have been obvious to one of ordinary skill in the art to include [API] in [Dandrea's] invention because doing so would allow the language and the message format used by an application program to communicate with a program that provides services for it.” *Id.* at 3. Based on this seeming ambiguity, Applicants respectfully request the Examiner to clarify his basis for rejection.

Nonetheless, to further prosecution, Applicants submit that the claimed invention is patentable over the cited prior art. First, Dandrea fails to disclose an API and does not provide any support for determining that the API is inherent within the Dandrea's invention. Further, there is no motivation to combine Dandrea in view of Bruno because Bruno's API teaches away from the claimed invention. Bruno discloses:

In accordance with another aspect of the invention, when a process uses the operating system's conventional API and an object reference to issue a request, the operating system internally tags the request with the identifier of the queue that is associated with that object reference.

Schedulers use such queue identifier to place each request in the corresponding queue.

Bruno at col. 3, ll. 42-48. In other words, Bruno's invention discloses the operating system and the API are configured to identify the particular queue that the request is going to. If one of ordinary skill in the art would combine the API of Bruno into the system of Dandrea, the API of Dandrea and Bruno would be configured to identify the particular queue associated with the object reference which is directly contrary to the claim language.

The claimed invention recites "calling an application programming interface to initiate a request to the macro queue to obtain a message stored in one of the plurality of queues without identifying a particular queue." Without identifying the particular queue, Applicants' claimed invention simplifies the software code necessary for writing the API because the API does not have to manage and service the queues individually. Applicants' specification at page 2, ll. 3-8. The API can be configured to only communicate with a single queue-like entity and not multiple queues. Thus, Applicants respectfully submit that the prior art fails to disclose "calling an application programming interface to initiate a request to the macro queue to obtain a message stored in one of the plurality of queues without identifying a particular queue." Therefore, Applicants respectfully submit that claim 1 is patentable over the cited prior art.

Claims 2-8 are dependent upon claim 1 and are patentable for the same reasons as claim 1.

Claims 9-21 and 35-40 include similar limitations as claim 1 and are patentable for at least the same reasons as claim 1.

Claims 22-24

Claim 22 recites “providing an application programming interface on each computer of a group of computers in the distributed system; providing a remote queue proxy on each of the computers of the group...passing said request to a second of the computers of the group by passing said request through the remote queue proxy on the first computer and the remote member queue proxy on said second computer.”

The Examiner asserts that Dandrea discloses calling an application programming interface (API). OA at 8. But the Examiner then later asserts that Dandrea does not disclose an API and that Bruno overcomes the deficiency of Dandrea by providing an API. *Id.* at 8-9. Based on this seeming ambiguity, Applicants respectfully request the Examiner to clarify his rejection of claims 22-24.

Nonetheless, to further prosecution, Applicants submit that the claimed invention is patentable over the cited prior art. The Examiner stated that Dandrea discloses these elements by reasoning that “Dandrea discloses a video server as a proxy and the disks as computers.” OA at page 8. Based on the Examiner’s reasoning, it appears that the Examiner is concluding that the video server is the one remote queue proxy for each of the computers.

In contrast, claim 22 recites “...providing a remote queue proxy on each of the computers of the group....” In other words, e.g. as shown in FIG. 6, each computer has its own remote queue proxy and, unlike Dandrea, does not share an alleged remote

queue proxy. Further, Bruno fails to overcome the deficiencies of Dandrea. Thus, Dandrea and Bruno fail to disclose “providing an application programming interface on each computer of a group of computers in the distributed system; providing a remote queue proxy on each of the computers of the group...passing said request to a second of the computers of the group by passing said request through the remote queue proxy on the first computer and the remote member queue proxy on said second computer.” Therefore, Applicants respectfully submit that claim 22 is patentable over the cited prior art.

Claims 23 and 24 are dependent upon claim 22 and are patentable for the same reasons as claim 22.

Claims 25-30

Claim 25 recites “providing an application programming interface to processes hosted on computers of the distributed system; passing a first message from a first process to a second process hosted on one computer of the distributed system, including passing said message through a shared memory accessible to both the first process and the second process; and passing a second message from the first process to a third process hosted on a second computer of the distributed system, including passing said message over a communication channel coupling the first and the second computers.”

The Examiner asserts that Dandrea discloses calling an application programming interface (API). OA at 9. But the Examiner then later asserts that Dandrea does not disclose an API and that Bruno overcomes the deficiency of Dandrea by providing an

API. *Id.* at 9-10. Based on this seeming ambiguity, Applicants respectfully request the Examiner to clarify the basis for his rejection of claims 25-30.

Nonetheless, to further prosecution, Applicants submit that the claimed invention is patentable over the cited prior art. As stated above, Dandrea fails to disclose the API and there is no motivation to combine Dandrea and Bruno. Therefore, Applicants respectfully submit that claim 25 is allowable over the cited prior art.

Claims 26-30 depend on claim 25 and are allowable for the same reasons as claim 25.

Claim 31

Claim 31 recites “providing a queue manager on each of a group of computers in the distributed system; providing an application programming interface to processes on each of the computers of the group, including providing an interface to accept and to provide messages for passing between processes hosted on the computers; collecting operational statistics at each of the queue managers related to passing of messages between processes using the application programming interface; and optimizing passing of the messages according to the collected statistics.”

The Examiner asserts that Dandrea discloses calling an application programming interface (API). OA at 11. But the Examiner then later asserts that Dandrea does not disclose an API and that Bruno overcomes the deficiency of Dandrea by providing an API. *Id.* at 11-12. Based on this seeming ambiguity, Applicants respectfully request the Examiner to clarify his rejection of claim 31.

Nonetheless, to further prosecution, Applicants submit that the claimed invention is patentable over the cited prior art. As stated above, Dandrea fails to disclose the API and there is no motivation to combine Dandrea and Bruno. Therefore, Applicants respectfully submit that claim 31 is allowable over the cited prior art.

New Claim 41

Independent claim 41 recites a method of managing messages, the method includes initiating a queue manager that has the ability to establish and manage a plurality of queues, providing a macro queue associated with the plurality of queues, storing messages in the plurality of queues, calling an application programming interface to initiate a request to the macro queue to obtain a message stored in one of the plurality of queues without identifying a particular queue, and selecting a queue from among the plurality of queues and selecting a message from the selected queue. The prior art of record fails to disclose this combination of elements. Therefore, independent claim 41 is patentable over the prior art of record.

**REMARKS**

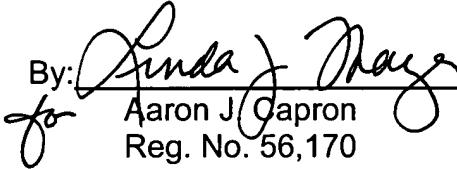
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:   
for Aaron J. Capron 45,681  
Reg. No. 56,170

Finnegan Henderson Farabow  
Garrett & Dunner L.L.P.  
901 New York Ave., N.W.  
Washington, D.C. 20001  
Direct (650) 849-6680